IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 5192 of 2004

Between:

Mellini Chinni, S/o. Late Chandrayya,
R/o. Srirangapatnam panchayat, Korukonda Mandal, E.G. District.

... PETITIONER

AND

1 Union of India, Rep. by the under Secretary to Hon'ble Prime Minister of India, New Delhi.
2 Secretary, Prime Minister's Office, Union of India, New Delhi.
3 Section Officer, Prime Minister's National Relief Fund, Prime Minister's Secretariat, New Delhi.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, directing the respondents to implement the grant made from the Prime Minister's Relief Fund i.e. an amount of Rs.30,000/- vide PMO proceedings No. 82(6817)/2000-PMF dated 13-6-2000 by releasing the funds forthwith in my favour.

Counsel for the Petitioner: MR.M.SIVANANDA KUMAR

Counsel for Respondents: MR.ARAJASHEKAR REDDY

(SC FOR CG)

The Court, at the admission stage, made the following:

ORDER:

By means of filing this writ petition under Article 226 of the Constitution of India, petitioner seeks to enforce the commitment made by the Prime Minister's Office in promising to release an amount of Rs.30,000/- as financial assistance for heart surgery of the petitioner as per communication sent by the Prime Minister's Office in Proceedings No.82(6817)/2000-PMF dated 13-06-2000.

2. In the counter affidavit filed by the Section Officer of the Prime Minister's Office, it is pointed out that the letter and sanction made are valid for a period of one year from the date of issue. It is stated that petitioner submitted two applications for grant of financial assistance for heart surgery. The initial application was registered in the P.M' s Office on 06-01-1998 and processed in File No.82 (252)/ 1998 based on an estimate of Rs.17,500/- from the Nizam's Institute of Medical Sciences, Hyderabad for heart surgery and amount of Rs.8,500/- was sanctioned vide sanction letter dated 29-01-1998 issued to the petitioner. Subsequently, on receipt of claim from the NIMS, Hyderabad vide letter dated 26-06-2001 an amount of Rs.5,000/- being 50% of the expenditure incurred on the heart surgery was released to the Hospital vide Cheque No.676532 dated 06-10-2001. The second application was forwarded supported by a medical certificate dated 30-04-1998 from NIMS, Hyderabad indicating the cost of surgery. An amount of Rs.30,000/- was sanctioned through letter dated 13-06-2000 and the applicant was requested to intimate the date of surgery or furnish the relevant bills for release of admissible amount. Had the fact that petitioner had already applied for financial assistance been disclosed in the second application, the application would

have been rejected in the initial stage itself as financial assistance is admissible as a one time measure only. But, no specific permission for carrying out surgery at M/s. Swatantra Hospitals was granted by the P.M' s Office, as the validity of the sanction expired on 13-06-2001. The bills submitted by the petitioner indicating the expenditure incurred at M/s. Swatantra Hospital as Rs.60,000/- were examined and it was decided to cancel the sanction letter as the hospital in which the petitioner said to have undergone treatment is a private hospital and not empanelled under the 'PMNRF' and accordingly petitioner was informed the same by letter dated 11-04-2000.

4. Learned counsel for the petitioner failed to substantiate whether the petitioner as a matter of right is entitled to relief from the 'PMNRF' for treatment. Unless the petitioner had an enforceable right to claim such relief, no Mandamus as such can be issued to release the said amount, the validity of which has already expired even prior to the date of petitioner undergoing the surgery, if any. In view of the same, petitioner is at liberty to renew his request by making a detailed representation to the Prime Minister's Office, if any,

The writ petition is accordingly dismissed. There shall be no order as to costs.

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A. **GOPAL REDDY, J**

November 4, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY//

SECTION OFFICER

To:

1. The Under Secretary to Hon'ble Prime Minister of

India, Union of India,New Delhi.
2. Secretary, Prime Minister's Office, Union of India,

New Delhi.
3. Section Officer, Prime Minister's National Relief

Fund, Prime Minister's Secretariat, New Delhi.

4. Two C.D. Copies.